

Misbranding was alleged for the reason that the statements (main panels) "Pure Olive Oil, Italy", "Philip Berio and C Lucca Tuscany", "Olio d'Oliva Puro" "Italia", "Filippo Berio \* \* \* Lucca Toscana", (side panels) "Prize awarded at the Chicago Exposition 1893 for Pure Olive Oil to Philip Berio and C. of Lucca", "Onde proteggere la nostra marca dalle continue contraffazioni ciascuna latta deve portare la nostra firma autentica invece della nostra ditta stampata come per il passato. Ogni contraffattore della nostra marca sara punito a termini di legge", "Olio Puro D'Oliva della ditta Filippo Berio & C. Di Lucca Premiato All' Esposizione di Chicago 1893", "Salvo . . . Lucca", "Packed in Italy", (imprinted on ends of can) "Packed in Italy", borne on the label, were false and misleading and tended to deceive and mislead the purchaser, since the article was not Italian olive oil, but was an artificially colored and flavored mixture of oils other than olive oil, and had not been packed in Italy. Misbranding was alleged for the further reason that the article purported to be a foreign product when not so, and for the further reason that it was offered for sale under the distinctive name of another article, namely, olive oil.

On March 25, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**24489. Adulteration of tomato pulp. U. S. v. 11,000 Cans of Tomato Pulp. Consent decree of condemnation. Product released under bond conditioned that decomposed portion be separated and destroyed.** (F. & D. no. 35034. Sample no. 25572-B.)

This case involved canned tomato pulp that contained excessive mold.

On or about February 2, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eleven thousand 5-gallon cans of tomato pulp at Blue Island, Ill., alleging that the article had been shipped in interstate commerce between the dates of October 14, 1934, and December 27, 1934, by the Frazier Packing Corporation, from Elwood, Ind., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On March 7, 1935, Libby, McNeill & Libby, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the decomposed portion be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**24490. Adulteration of tomato catsup. U. S. v. 9 Cases, et al., of Tomato Catsup. Default decree of condemnation and destruction.** (F. & D. nos. 35243 to 35246, incl. Sample nos. 15326-B to 15329-B, incl.)

This case involved a shipment of tomato catsup that contained excessive mold and that was in a condition of active fermentation.

On March 9, 1935, the United States attorney for the District of Nevada, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 46 cases of tomato catsup at Las Vegas, Nev., alleging that the article had been shipped in interstate commerce in various lots between the dates of January 16 and January 19, 1935, by the Crown Products Corporation, from Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Ladys Choice Tomato Catsup \* \* \* Crown Products Corp., San Francisco, Los Angeles, Kansas City U. S. A."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On April 5, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**24491. Misbranding of canned peas. U. S. v. 11 Cartons of Canned Peas. Default decree of condemnation.** (F. & D. no. 35242. Sample no. 27213-B.)

This case involved a shipment of canned peas that fell below the standard promulgated by the Secretary of Agriculture, because of the presence of an excessive proportion of hard peas and which were not labeled to indicate that they were substandard.